

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:20-cv-00220-MR**

**RANDY W. BARKLEY, Individually)
and as the Executor of the Estate of)
Rita W. Barkley, Deceased,)**

Plaintiff,)

vs.)

ORDER

**4520 CORP., INC., Individually and)
as Successor-in-Interest to)
Benjamin F. Shaw Company, et al.,)**

Defendants.)

THIS MATTER is before the Court on Cleaver Brooks, Inc.'s Motion to Exclude John Maddox, M.D. [Doc. 307]; Cleaver Brooks, Inc.'s Motion to Exclude Edwin Holstein, M.D. [Doc. 311]; Cleaver Brooks, Inc.'s Motion for Summary Judgment [Doc. 328]; and the parties' Joint Motion to Dismiss Without Prejudice [Doc. 357].

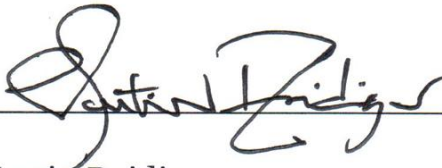
Upon review of the parties' motions,

IT IS, THEREFORE, ORDERED that the parties' Joint Motion to Dismiss [Doc. 357] is **GRANTED**, and all the Plaintiff's claims against the Defendant Cleaver Brooks, Inc. are hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that Cleaver Brooks, Inc.'s Motion to Exclude John Maddox, M.D. [Doc. 307]; Motion to Exclude Edwin Holstein, M.D. [Doc. 311]; and Motion for Summary Judgment [Doc. 328] are **DENIED AS MOOT.**

IT IS SO ORDERED.

Signed: October 25, 2021

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
Chief United States District Judge

